



3 February 2012

Martha Kongsgaard
Gerry O'Keefe
Puget Sound Partnership
326 E. "D" Street
Tacoma, WA 98421
Via email: actionagenda@psp.wa.gov

RE: Comments on the draft Action Agenda and Biennial Science Workplan

Dear Martha and Gerry:

The Friends of the Earth (FoE) is a national non-profit environmental organization that has maintained a presence in Seattle and the Northwest for over 30 years. FoE is part of a global network representing more than two million activists in 76 different countries. With offices in Washington D.C. and San Francisco, and members in all 50 states, we understand that the challenges facing our planet call for more than half measures, so we push for the reforms that are needed, not merely the ones that are politically easy.

FoE appreciates the opportunity to contribute to the ideas put forward in the Action Plan and Biennial Science Workplan. We currently hold one of the NGO seats on the Puget Sound Ecosystem Monitoring Program Steering Committee, participate in discussions of the Oil Spill Cross partnership Workgroup, Strait of Juan de Fuca ERN and regularly attend Leadership Council Meetings. We submit these comments to emphasize those issues raised in the letter submitted by the Environmental Caucus, which we signed on to.

We believe the Action Agenda can play a more vital role in improving coordination and accountability between state, federal and tribal regulatory programs. There is increasing need for leadership and accountability in our agencies entrusted with stewardship of the Sound. We look forward to your evaluation as to how the agencies are upholding their obligations. We view this yet-to-be fulfilled role of the Partnership as one of the most promising. Furthermore, it would be valuable to note which of the State programs have been delegated federal authority to assure there is adequate coordination and accountability between programs such as the CZMP that is now playing a central role in the development of National Ocean Policy.

Our comments on specific provisions of the draft Action Agenda and Biennial Science Workplan are set out below:

Executive Summary. There needs to be better recognition of the co-management efforts underway between Federal and Tribal governments. In addition, genetic diversity is an important part of resilience that needs to be mentioned.

Page 17. Adapting for a Changing Climate. Resilience described as "ability for natural systems to bounce back" or "minimize harm." Resilience should be characterized as fostering ecology that

can endure more pressure from multiple sources. Part of this is bouncing back, and part is to minimize harm, but the bulk will be an exercise in ecosystem endurance through climate-smart management. Supporting efforts to preserve the genetic diversity of species would further support resilience.

Page 116. Shoreline planning assistance (B1.1). More information about what Ecology, DNR and other agencies are doing to improve their respective programs would be helpful under ongoing programs. (E.g. what has been done to enhance the conservation of areas recently designated as Aquatic Reserves)

Page 138. Marine debris removal (B3.3). Efforts should be made to replace creosote pilings nearby herring spawning beds given their sensitivity to PAHs. Incorporation of acute and chronic Herring bioassays developed by Ecology need to be made part of all refinery NPDES permits. These studies need to account for daylight conditions given the significant impacts associated with UV enhanced toxicity.

Page 155. The statement “Efforts to help the recovery of Cherry Point herring have been taken, but we have yet to see their population turn around” is quite vague and misleading. Little more than stopping the fishery has been done which is evident from the second statement with which we agree, “More needs to be done to understand the causes of the decline.” Particular attention needs to be placed on current behavioral responses to dock operations as well as historic oil spills that occurred during herring spawning seasons.

Page 235. Establish No Discharge Zone for Commercial and Recreational Vessels (C8.1): Add NTA 3: Ecology will work with the Port of Seattle and the Northwest & Canada Cruise Association to support the proposed amendment introduced by Friends of the Earth, People for Puget Sound and Puget Soundkeeper Alliance to the Cruise Ship MOU banning all cruise ship wastewater discharges in MOU waters.

Performance Measure: Whether the Cruise MOU is amended by March 2012 and the number of ships that petition Ecology to allow for continuous discharges of wastewater even while at dock.

Page 250. Oil spills (C10): The oil spill workgroup got off to a good start but has not met for some time. However, the next meeting is likely to be in March 2012 since that is when the BP Vessel Traffic Risk Assessment (VTRA) is scheduled to become publically available. In the meantime it is good to have Todd Hass’s contribution to the rule process created by E2SB 1186 and interest in the VTRA.

We suggest that you replace the oddly written highlighted section entitled, “Local Strategies” with for example: “Both the San Juan and Strait ERNs expressed strong interest in their risk exposure to oil spills along the border with Canada. They have identified a variety of near term actions associated with the ability to responds to spills quickly. This is timely given the increasing volumes of tankers exporting “unconventional” tar sands oil from Canada through the endangered Southern Resident Killer Whales’ core area of their critical habitat. State and federal regulatory changes are underway associated with SB 1186 and the movement of the High Volume Port Line (HVPL) from Port Angeles to Cape Flattery in July 2012 requiring attention.

Page 251. C10.1 Spill Prevention: Emphasize use of risk-based approaches to improve marine safety and protect our environment, economy and quality of life. The long awaited state of the art Vessel Traffic Risk Assessment for the Salish Sea required as part of the BP refinery dock

expansion will be released in March 2012. The two NTA's identified in this section should both be directed in the context of utilizing that model to address the identified questions.

C10.1 NTA 1: Assess trends in ship traffic, vessel incidents and incident notifications for use in targeting inspections and setting standards.

C10.1 NTA 2: Evaluate marine traffic risk assessment models that could be used to develop appropriate oil spill risk reduction measures.

Page 252. 0.1 LNTA 3: It would be odd to focus this forum on oil spill prevention efforts when federal law is preemptive of local jurisdictions. Where there are a variety of spill response initiatives underway (SB 1186, HVPL) that will likely require improvement in the amount and type of oil spill response equipment station in the San Juans.

Page 253 C10.2 LNTA 1: Divide Makah Tribal Council Oil Pollution Initiative and Vessel of Opportunity Program into two separate items:

- 1) Makah Tribal Council Oil Pollution Initiative and
- 2) Vessel of Opportunity Oil Spill Program.

Page 259. Clean up contaminated sites within and near Puget Sound (C11.2): Efforts also need to be made to adequately monitor formerly cleaned up superfund sites. For example, the former NW Transformer Inc. site along the Nooksack River could still be a source of the high PCB levels found in Cherry Point Herring.

Page 267. Fix problems caused by existing development (structural upgrades; regular and enhanced maintenance) (C2.3): Efforts should be made to replace creosote pilings nearby herring spawning beds given their sensitivity to PAH's. Incorporation of acute and chronic Herring bioassays developed by Ecology need to be made part of all refinery NPDES permits. These studies need to be established for daylight conditions given the impacts of UV enhanced toxicity.

Page 412. It is remarkable that there is only one passing mention of the State's two largest refineries and a smelter located along the Cherry Point reach or that its unique geomorphology allows for deep draft ships to come close to shore. This has led to increasing pressure to site a major coal terminal in this region that is likely to have major construction and operational impacts on marine life. The Action Plan should more broadly address the number of ocean-going vessels that are serving these facilities both from the perspective of the number of ships and the volume of petroleum moving through our marine waters.

While the development of these documents has been time consuming, it is hoped that these efforts will provide a framework the Partnership can use to not only secure commitments for long term monitoring of the Sound's recovery, but to advocate on its behalf as well.

Sincerely,

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